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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2008-308

11 **CLAUDIA IVETTE CURIEL**
12 4115 Shafter Avenue
Oakland, California 94609

ACCUSATION

13 Registered Nurse License No. 373803

14 Respondent.

15
16 *Complainant alleges:*

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 2. On or about August 31, 1984, the Board of Registered Nursing issued
22 Registered Nurse License Number 373803 to Claudia Ivette Curiel (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and will expire on March 31, 2010.

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26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Registered Nursing
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

3 STATUTORY PROVISIONS

4 4. **Section 118, subdivision (b)**, of the Business and Professions Code
5 (Code) provides that the suspension, expiration, surrender, or cancellation of a license shall not
6 deprive the Board of jurisdiction to proceed with a disciplinary action during the period within
7 which the license may be renewed, restored, reissued or reinstated.

8 5. **Section 2750** of the Code provides, in pertinent part, that the Board may
9 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
10 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

11 6. **Section 2761** of the Code states:

12 “The board may take disciplinary action against a certified or licensed nurse or
13 deny an application for a certificate or license for any of the following:

14 (a) Unprofessional conduct...”

15 7. **Section 2762** of the Code states:

16 “In addition to other acts constituting unprofessional conduct within the meaning
17 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed
18 under this chapter to do any of the following:

19 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
20 licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish
21 or administer to another, any controlled substance as defined in Division 10 (commencing with
22 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
23 defined in Section 4022.

24 “(b) Use any controlled substance as defined in Division 10 (commencing with
25 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as
26 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or
27 injurious to himself or herself, any other person, or the public or to the extent that such use
28 impairs his or her ability to conduct with safety to the public the practice authorized by his or her

1 license.

2 **COSTS**

3 8. Section 125.3 of the Code provides, in pertinent part, that the Board may
4 request the administrative law judge to direct a licentiate found to have committed a violation or
5 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
6 and enforcement of the case.

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8 **FACTUAL BACKGROUND**

9 9. In or about July 2004, Respondent entered the Board of Registered
10 Nursing Diversion Program. Respondent agreed to completely abstain from using any mind
11 altering substances including alcohol.

12 10. On or about July 8, 2004, Respondent admitted that she used alcohol
13 within the previous 30 days and cocaine within the previous 7 days. Respondent also admitted
14 that she drove when using or when in withdrawal from alcohol or drugs.

15 11. On or about October 26, 2004, Respondent tested positive for cocaine.

16 12. On or about May 1, 2007, Respondent tested positive for cocaine. On or
17 about May 7, 2007, Respondent admitted she used cocaine twice in the previous three weeks.

18 13. Following Respondent's positive test for cocaine, the Diversion
19 Evaluation Committee issued a directive for Respondent to enter a long term inpatient treatment
20 program. Respondent refused to enter a long term inpatient treatment program. On or about
21 June 12, 2007, Respondent was terminated from the Board's Diversion Program.

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23 **DRUGS INVOLVED**

24 14. Cocaine is a schedule II controlled substance pursuant to Health and
25 Safety Code Section 11055. Cocaine is dangerous drug pursuant to section 4022 of the Code.

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1 2. Ordering Claudia Ivette Curiel to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.

5 DATED: 7/23/08

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7 
8 RUTH ANN TERRY, M.P.H., R.N.
9 Executive Officer
10 Board of Registered Nursing
11 Department of Consumer Affairs
12 State of California
13 Complainant
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